

COMBINED DECLARATION AND POWER OF ATTORNEY

**Attorney's Docket 99-1**

As a below named inventor, I hereby declare that:

This declaration is for an original application.

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"Induction of T Cell Tolerance with CD40/B7 Antagonists"**

the specification of which is filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which I know to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations § 1.56.

As a named inventor, I hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Eric P. Mirabel  
Reg. No. 31,211

Send correspondence and direct telephone calls to:

Eric Mirabel  
Tanox, Inc.  
10301 Stella Link #110  
Houston, TX 77025-5497  
(713) 664-2288

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title

[illegible]

US Provisional Patent Application No. 60/022,070, filed on 7/23/96.

PCT International Application Serial No. PCT/NL97/00438, filed on 7/23/97.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:** Mark de Boer

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_ Country of Citizenship: The Netherlands

**Residence and Post Office Address: Naarderweg 20, 126 BT Blaricum, The Netherlands**

**Full name of second inventor:** Marcel Theodorus

**Inventor's signature:** \_\_\_\_\_

Date: \_\_\_\_\_ Country of Citizenship: The Netherlands

Residence and Post Office Address: Jan Persijnlaan 134, 1141 WN Monnickendam, The Netherlands

01/21/99  
JCS18 U.S. PTO

## PATENT

Attorney's Docket No. 99-1

Serial or Patent No.:

File or Issued: herewith

For: **Induction of T Cell Tolerance with CD40/B7 Antagonists**

### **VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified as Tanox, Inc., 10301 Stella Link, Houston, Texas 77025.

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

#### **Induction of T Cell Tolerance with CD40/B7 Antagonists**

BY:

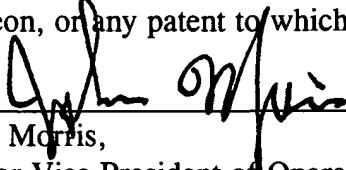
Mark de Boer and Marcel Theodorus, described in the specification filed herewith.

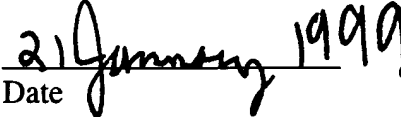
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the

earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
\_\_\_\_\_  
John Morris,  
Senior Vice President of Operations,  
Tanox, Inc.  
10301 Stella Link  
Houston Texas 77025

  
\_\_\_\_\_  
Date

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